IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE MS JUSTICE G.ROHINI

TAKEN UP WRIT PETITION No. 28384 of 1998

Between:

Sri T.Rama Krishna Rao
Advocate
B-54 / F3 Vijayanagar Colony
Hyderabad

..... PETITIONER

AND

1 The Management Cotton Seed Farms
Rangareddy Dist
2 The Management Cotton Seed Farms
Medak Dist
3 The Commissioner, Labour Department
Hyderabad
4 The Chief Secretary to Govt. of A.P.
Hyderabad
5 The Secretary, Ministry of Labour
Govt. of A.P., Hyderabad
6 The Secretary to Govt. Home Dept.,
Secretariat Buildings Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or a writ more particularly one in the nature of writ of mandamus to call for a detailed report from the

Government of Andhra Pradesh with regard to large exploitation of girl children into agriculture labour in the cotton seed farms in the Backward Districts of Rangareddy and Medak in Andhra Pradesh, and to give necessary direction to the concerned authorities and the companies and the farmers engaged in exploitation of girl children in the agricultural labour for prohibition of child labour in the farms engaged in the cotton and production who are exposed to chemical intoxicant resulting in health hazards as they work amid sprays of pesticides.

For the Petitioner :PETITION

For the Respondents.: Mr. A.RAJASHEKAR REDDY (SC FOR CG)

Govt. Pleader for Labour for R-3 to R-5

Govt. Pleader for Home for R-6

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

An Advocate had sent a petition to the Chief Justice expressing his concern about the child labour in the cotton seed farms after he read certain newspaper reports. It was ordered to be registered as taken up matter. The newspapers report highlighted large-scale exploitation of girl children as agricultural labour particularly in the cotton-seed farms in the backward districts of Ranga Reddy and Medak in Andhra Pradesh despite prohibition of engaging the child labour. Notice was directed to be issued to respondents and the Additional Commissioner of Labour, Government of Andhra Pradesh, on 16-11-1998 filed a detailed counter-affidavit. After filing of the writ petition, instructions were issued to the Deputy Commissioner of Labour, Ranga Reddy district, to conduct special drive immediately in the cotton fields of Ranga Reddy district more particularly with reference to the allegations made in the writ petition. On receipt of the report, the Assistant Commissioner of Labour, Ranga Reddy, formed squads and conducted inspections in cotton-seed farms. The squad inspected various places where child labourers were found to be working. The Assistant Labour Officer also noticed that less wages were being paid and observed that claims were also pending against the farmers.

The Labour Department of Government of Andhra Pradesh expressed its helplessness in launching prosecution against the cotton-seed farmers for engaging child labour in the absence of statutory provisions pertaining to child labour which had to be issued by the Central Government. It appears that the Supreme Court in the meanwhile had issued certain directions in W.P.No.465 of 1986 (M.C.MEHTA Vs. UNION OF INDIA) and in the Writ Petition Nos.12425 of 1984 and 11643 of 1985 between BANDHWA MUKTI MORCHA Vs. UNION OF INDIA. There were lot of amendments thereafter. The Government of India in exercise of powers conferred under Section 4 of the Child Labour (Prohibition and Regulation) Act, 1986 notified the amendment to Schedule of Section 3 by adding 36 more new employments in order to extend the coverage of the provisions of the said Act and invited objections and the period of three months notice had expired on 22-10-1998. On the day when affidavit was filed, finalisation of the said draft notification was under consideration by the Government of India which also included the labourers engaged in spraying of pesticides in cotton fields as also action to be taken against employment of children in cotton fields.

In view of the subsequent developments that have happened after filing of the writ petition culminating into amendment to the said Act, no further directions are to be issued in this writ petition. The writ petition is therefore closed.

DEVINDER GUPTA, C.J.

G.ROHINI, J

05-07-2004

BSC

To

1. The Special officer, Public Interest Litigation Cell, High Court Buildings,
   Hyderabad.
2. The Secretary, A.P. State Legal Aid and Advisory Board, High Court Buildings, Hyderabad.
3. The Secretary to Government of A.P., Home Dept., Secretariat, Hyderabad..

5. The Management Cotton Seed Farms
Rangareddy Dist
6 The Management Cotton Seed Farms
Medak Dist
7 The Commissioner, Labour Department
Hyderabad
8 The Chief Secretary to Govt. of A.P.
Hyderabad
9 The Secretary, Ministry of Labour
Govt. of A.P., Hyderabad
10 The Secretary to Govt. Home Dept.,
Secretariat Buildings Hyderabad
11 2 CCs each to Govt. Pleader for Labour and Home, High Court Buildings,
Hyderabad.
12. 2 C.D. copies